

## **II. REMARKS**

The Applicants apologize for any confusion introduced in the last office action as the file was at that only recently transferred to the Applicants' new counsel and it was incomplete. Further, with this amendment, Applicants have tried to show changes to the claims as originally presented. Also, Applicants restate the previous election of the species of Figure 3.

Claims 1-2, 8, 10, 12, 24-26, 28-48 are now cancelled without prejudice. Claims 3-4, 6-7, 9, 13-14, 19-21, and 27 remain pending and are discussed in more detailed below.

### **1. Section 112 Specification Objections**

The specification has been objected to as failing to provide clear antecedent basis because the terminology of the specification (i.e., the terms "roller", "guide", and "guide device") is claimed to be inconsistent with the terminology of the specification. The claims at issue are claims 1, 30, 31, 37, and 38. While claim 1 has been cancelled, please note that as suggested by the Examiner, the related claims, e.g., newly independent claim 3, now uses the term "guide roller" where necessary.

Claims 30, 31, 37, and 38 have been cancelled so the rejection there is moot.

### **2. Section 112 Claim Rejections**

Claims 1-4, 6-10, 12-14, 19-21, 24-32, and 34-40 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. **"Parallel" Rejection.** While claim 1 has been cancelled, the problem with the word "parallel" is moot in related claim 3 as the reference to a "parallel" position has been removed. Claim 20 now claims a "first position that is substantially parallel to a bed of the vehicle" to clarify the situation. Claim 25 has been cancelled so the rejection there is moot also.

b. **"Guide device/ roller" Rejection.** This has been corrected in the claims as noted above in paragraph 1.

c. **"Drive" Rejection.** The Examiner claims it is unclear as to how the applicant is considering the elected species of Figure 3 as having a drive operable to move the extension member from their retracted position to their extended positions, as recited in claims 2, 6, 8, 12, 13 and 29 and that the specification has the drive assembly switched off and the drum unlocked, so that gravity can move the extension members. He further states that "Gravity cannot be claimed as a 'drive operable to move' an element." Claims 2, 8, 12, and 29 have been cancelled. However, claims 6 and 13 and newly independent claims 3 and 27 (based on claims 2 and 8)

have been amended to address this situation. For example, in Fig. 3 a “drive assembly” is clearly shown by the reference numeral 152 and discussed on pages 7 and 8 in the specification. Further, in this embodiment, the downward movement occurs when the drive assembly is unlocked and a push occurs and/or gravity takes over. On the other hand, when upward movement is desired, the drive assembly is locked and power is applied to wind the cable.

d. **“Actuator” Rejection.** The Examiner claims it is unclear as to how the applicant is considering the elected species of Figure 3 as having an actuator coupled to the second frame and the carriage, as recited in claims 3, 4, 6, 7 and 9 and that this is not a feature of the embodiment of Figure 3 and points out that claims 3, 4, 6, 7, 9 and 19-21 are not treated below with rejections based upon prior art. The Applicants thank the Examiner with regards to insight on the prior art rejections. The “actuator” limitation has been removed in these claims by amendment and, as discussed above, the “drive assembly” works to move the frame and the carriage in at least one direction. Thus, these claims are now in allowable form as indicated by the Examiner.

e. **Claim 9 Method Rejection.** The Examiner claims that the method of use in claim 9 is not understood. He thus asks “ Why would one place the cargo into the transport support as the first step of the procedure, as recited in line 5, and then move the transport support to the extended positions, as recited in line 6, and then bring the cargo back in as recited in line 13?” The Applicants note that cargo may be first loaded by using the transport accessory or some other means such as a free standing lift (as when the base frame is mounted) or by downloading from a higher-level dock. The focus on amended claim 9 is thus now placed on the unloading part of the method. Taken with the other amendments mentioned above, the Applicants believe that claim 9 is now allowable.

f. **Fig. 3 Election Rejection.** The Examiner claims it is unclear as to how applicant is considering claims 13, 27, 34 and 39 as drawn to the elected species of Figure 3, as these claims contradict the disclosure concerning the species, as the claims recite a clockwise and counter clockwise moving winch, not a “gravity return winch”. As discussed above claims 13, 27 have been amended to address this situation. Moreover, gravity is primary used to help in getting the embodiment of Fig. 3 to extend out of a vehicle. On the other hand, power is applied to the “locked” winch to return the transport back into the vehicle via winding a cable. See page 8 of the specification. As claims 34 and 39 are cancelled, this rejection with regards to those claims is moot.

g. **Method Claims 36 – 40 Rejections.** These claims have been cancelled so the Examiner rejections are moot.

### 3. Examiner’s 102 Rejections

The Examiner has rejected claims 36 and 37 under 35 U.S.C. 102(b) as being anticipated (i.e., your invention is claimed to be not new) by Prince. While the Applicants respectively disagree with the Examiner here, these claims have been cancelled.

### 4. Examiner’s 103 Rejections

The Examiner has rejected claims 1, 8, 10, 12, 14, 24, 25, 26, 28-32, 35-38, and 40, rejected under 35 U.S.C. 103 (a) as being unpatentable over McKee (cited by applicant) in view of Poindexter (i.e. for obviousness). Again, while the Applicants respectively disagree with the Examiner here, these claims (with the exception of claim 14) have been cancelled.

Claim 14 has been amended and is now dependent on newly independent claim 3. The Examiner has no apparent Section 103 concern on claim 3 and all of the 112 rejections now stand corrected, therefore, claim 14 should also be allowable.

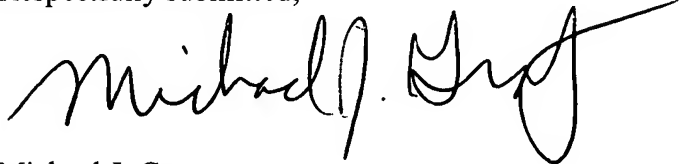
### **III. Conclusion**

It is submitted that the remaining claims are now in compliance with 35 U.S.C. §112 and each define patentable subject matter. Therefore, the Applicants respectfully request a Notice of Allowance be issued on these claims.

Should the Examiner have any questions or comments the attending to of which would expedite the prosecution of this application, the Examiner is invited to contact the undersigned at the telephone number appearing below.

No fee are believed to be payable with this communication. Nevertheless, should the Examiner consider any fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



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Dated: \_\_\_\_\_

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